S.B. CRIMINAL LEAVE TO APPEAL NO.59/2007.
IN
S..B. CRIMINAL APPEAL NO.
[STATE VS. MALAM SINGH & ANR.]

DATED : 07.05.2007

HON'BLE MR. CHATRA RAM JAT, J.

Mr.J.P.S.Choudhary, P.P.

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This criminal leave to appeal under Section 378(iii) & (i) Cr.P.C. has been filed by the State against judgment dated 15.12.2006 passed by learned Addl. Civil Judge,[Jr.Dn.] & Judicial Magistrate, Ist Class No.3, Jodhpur in Criminal Case No.588/2004 (State Vs. Malam Singh & Anr.) whereby the accused respondents have been acquitted of the offence under Section 341, 323/34, 325/34 IPC

Heard learned P.P. And perused the judgment of the trial court and record of the case. Learned trial court has observed that injured complainant Muse Khan and two eye-witnesses Barkat and Ladhu Khan being eye-witnesses and there were four persons out of which only two persons named Malam Singh and Sharvan Singh @ Sharvan Kumar challaned and having major contradictions between the eye-witnesses Barkat and Ladhu Khan, learned trial court did not find reliable prosecution evidence and looking to the overall

finding, it cannot be treated unreasonable and unwarranted on that basis, thus this cannot be a case in which leave to appeal be granted.

In view of above discussion, I do not find any illegality in the impugned judgment passed by the learned trial court after appreciating the entire evidence available on record. Hence, the leave to appeal is required to be rejected.

Accordingly, leave to appeal is rejected.

[CHATRA RAM JAT]J.

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